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James G. O'Neill
Klein, O'Neill & Singh, LLP
Suite 510
2 Park Plaza
Irvine CA 92614

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OFFICE OF PETITIONS

In re Application of :
Kevin M. Haakenson :
Application No. 10/622,930 : DECISION GRANTING PETITION
Filed: July 18, 2003 :
Attorney Docket No. 782-03-PA-J :

This is a decision on the petition filed May 17, 2004, requesting that the above-identified application be accorded a filing date of July 18, 2003.

On July 18, 2003, applicant deposited the above-identified application. On April 19, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without any drawings and that the filing date would be the date of receipt of the omitted item. Additionally, the Notice indicated applicant must submit an a new oath or declaration identifying the inventor's country of citizenship in compliance with 37 CFR 1.63.

In response, on May 17, 2004, applicant filed a declaration, the present petition, the petition fee, and a copy of applicant's postcard receipt acknowledging receipt of 1 page of drawing sheets. Additionally, applicant submitted a copy of 1 sheet of drawings, consisting of Figures 1-4.

Upon review of the record, 1 sheet of drawings (Figures 1-4), deposited on July 18, 2003, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on July 18, 2003, included 1 sheet of drawings (Figures 1-4), which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the

application, including the 1 sheet of drawings (Figures 1-4), was complete on filing and will be granted a filing date of July 18, 2003.

Accordingly, the petition is granted.

The requirement to submit drawings set forth in the Notice of April 19, 2004, was sent in error and is hereby vacated. Accordingly, the \$130.00 petition fee is unnecessary and will be credited to Deposit Account No. 11-1159.

The Office of Initial Patent Examination is directed to accord the above-identified application a filing date of July 18, 2003, using the 1 sheet of drawings (Figures 1-4) submitted on petition, and to mail a corrected filing receipt. The Office records should indicate that 1 sheet of drawings was submitted on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions